

**CRM-M-38647-2019
Date of Decision: 16.09.2019**

Gurtej Kaur

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
ASI Gurjant Singh.

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MANOJ BAJAJ, J. (ORAL)

Petitioner Gurtej Kaur has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 117 dated 08.08.2015, under Section 420 of IPC, 1860 registered at Police Station Sardulgarh, District Mansa.

As per FIR, complainant Surjit Singh has alleged that petitioner along with five other accused in connivance with each other had committed fraud with him by arranging his false marriage with one of the co-accused Kaushalaya Devi d/o Mithu Singh on 25.03.2015. Thereafter, on 31.3.2015 accused persons had taken 15 tollas Gold and Silver jewellery from his house in his absence and after another two days i.e. on 02.04.2015, cheated him for Rs.1,60,000/- on the pretext of purchasing a plot. Moreover, his wife had flatly refused to resume the company of the complainant.

On these broad allegations, the FIR was registered against the petitioner and other co-accused persons.

Learned counsel for the petitioner contends that petitioner was indicted in above case on the ground that she was mediator in the matrimonial alliance of the complainant with one Kaushalaya Devi which took place at Welcome Palace, Sirsa on 25.03.2015. He submits that on 31.03.2015, petitioner along with Reena Rani and Shinder Kaur came to the house of the complainant and took away Kaushalaya Devi along with them. Wife of the complainant took away the gold and cash also for purchase of the plot. It was mentioned in the FIR that said marriage was a false marriage.

It is pointed out that other co-accused who were facing trial have been acquitted by the trial Court vide judgment dated 10.12.2018 (Annexure P-1). He contends that petitioner was not aware of this case and was thus, declared proclaimed offender and was subsequently arrested on 22.6.2019. He submits that the investigation of the case is almost complete and the case is triable by Magistrate, which is likely to consume some time.

On the other hand, learned State counsel, who is assisted by ASI Gurjant Singh, opposed the bail application on the ground that the investigation is still pending. However, it has not been disputed by learned State counsel that co-accused including Reena Rani and Shinder Kaur have been acquitted. He submits that petitioner is in judicial custody.

Considering the above and the fact that petitioner is a lady and the trial is likely to consume some more time, there is no justification to detain the petitioner in judicial custody. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the

petitioner be released on regular bail subject to her furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

September 16, 2019

Janki

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No